



TWEED SHIRE COUNCIL

# **MINUTES**

## **PLANNING COMMITTEE MEETING**

**Tuesday 17 March 2009**

**Mayor: Cr J van Lieshout**

**Councillors: Cr B Longland, Deputy Mayor  
Cr D Holdom  
Cr K Milne  
Cr W Polglase  
Cr K Skinner  
Cr P Youngblutt**

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## IN ATTENDANCE

Cr Joan van Lieshout (Mayor), Cr Barry Longland (Deputy Mayor), Cr Dot Holdom, Cr Katie Milne, Cr Warren Polglase, Cr Kevin Skinner, Cr Phil Youngblutt

Cr P Youngblutt advised the General Manager that he will be attending the meeting late.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer), Mr Michael Chorlton (Manager Financial Services), Mr Richard Adams (Manager Business and Economic Development) and Mrs Kerrie McConnell (Minutes Secretary).

## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR PLANNING & REGULATION

**P1 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**P 29**

**Cr D Holdom**

**Cr K Skinner**

**RECOMMENDED** that Council notes the Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

**P2 [PR-PC] Refurbishment of the Banora Point Caravan Park, Lot 5 in DP 828639 & Lot 382 in DP 755740, Pacific Highway East, Banora Point**

Cr D Holdom declared an Interest in this item, left the Chamber at 04:40 PM and took no part in the discussion or voting. The nature of the interest is that Cr D Holdom is involved with the local resident action group in relation to this matter.

Cr W Polglase declared an Interest in this item, left the Chamber at 04:40 PM and took no part in the discussion or voting. The nature of the interest is that Cr W Polglase's family have an interest in a business of a similar nature in the Tweed Shire.

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The following person addressed the meeting of the Planning Committee on this matter:

Mr Len Hogg

**P 30**

**Cr K Skinner**

**Cr B Longland**

**PROPOSED** that:-

1. Council seeks additional information from the applicant as detailed within this report;
2. Council advises the applicant that no development application is required for the previously undertaken site filling works;
3. Should the additional information not be forthcoming within 2 months Council engages legal representation and seeks their direction for the management of approvals and enforcement actions.

**P 31**

**AMENDMENT**

**Cr K Milne**

**Cr B Longland**

**RECOMMENDED** that:

1. Council seeks to engage legal representation and seek their direction for the management of approvals and enforcement actions relating to Lot 5 in DP 828639 & Lot 382 in DP 755740.
2. Council seeks additional information from the applicant as detailed within this report.
3. Should the negotiations not be resolved within two (2) months Council considers legal proceedings, dependent on legal advice.

The Amendment was **Carried**

**FOR VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout**

**AGAINST VOTE - Cr K Skinner**

**ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase**

The Amendment on becoming the Motion was **Carried** (Minute No P31 refers)

**FOR VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout**

**AGAINST VOTE - Cr K Skinner**

**ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase**

**RETURN TO MEETING**

Cr D Holdom has returned from temporary absence at 04:51 PM

Cr W Polglase has returned from temporary absence at 04:51 PM

Cr P Youngblutt has returned from temporary absence at 04:52 PM

**P3 [PR-PC] Development Application DA05/0308.17 & DA05/308.18 for an amendments to Development Consent DA05/0308 for a staged residential subdivision (3 stages) comprising 89 single dwelling lots, 7 duplex blocks, 1 drainage reserve, 1 residue lot & 2 publi**

**P 32**

**Cr W Polglase**

**Cr K Skinner**

**RECOMMENDED** that:

A. Development Application DA05/0308.17 for an amendment to Development Consent DA05/0308 for a staged residential subdivision (3 stages) comprising 89 single dwelling lots, 7 duplex blocks, 1 drainage reserve, 1 residue lot & 2 public reserves at Lot 13 DP 793985; Lot B DP 368706; Lot 1 DP 392245, Barnby Street, Murwillumbah be approved subject to the following amendments to the existing conditions: -

1. Delete Condition 1B and replace with new condition 1C as follows:

1C The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos: -

- Drawing 20399 (I) prepared by Brown & Haan Surveying dated 9.12.2008 – amended to reference the western end of Rous River Way as “TRCP link road – to be dedicated to Council as part of Stage 1”;

This plan requires submission of amended engineering plans to address the necessary stormwater (IAD) modifications at the rear of Lots 227, 228 and 229.

The following referenced drawings show lot numbers that are not consistent with the above-mentioned plan, but are representative of actual dimensions, duplex lot locations, and physical works over the site:

- Drawing Number 7214/6/1 DA Figure 4 Revision E prepared by Cardno MBK and dated May 2006;
- Drawing Number 7214/06/1 DA Figure 10 Revision B prepared by Cardno MBK and dated August 2004;

- Drawing Number 7214/06 DA Figure 13 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 14 Revision A prepared by Cardno MBK and dated November 2003;
- Drawing Number 7214/06/01 DA Figure 17 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 18 Revision B prepared by Cardno MBK and dated August 2004;

except where varied by the conditions of this consent.

2. Delete Condition 30B and replace with new condition 30C as follows:

30C. The section of Road 3 (Silkpod Avenue) between Road 2 (Rous River Way) and Lot 315, when constructed, shall be built to full urban standards and dedicated as public road.

3. Delete Condition 31B and replace with new condition 31C as follows:

31C. The Stage 3 construction of Road 5 (Fig Court) is to terminate at the northern boundary of Lot 326, and will require the provision of a temporary sealed turning bulb area, covered by a Right-of-Carriageway.

4. Delete Condition 33A and replace with new condition 33B as follows:

33B. Lot 132 (public reserve) shall be filled to a minimum of RL 4.1m AHD, and constructed as part of the Stage 1 works.

5. Delete Condition 42A and replace with new condition 42B as follows:

42B. The developer shall embellish the public reserve (Lot 132) and drainage reserve according to the approved landscaping plan. The public reserve shall be filled and levelled with a suitably established grass cover. Further embellishment of the public reserve shall not occur until 30% of the allotments have been occupied. Alternatively, the developer may pay the appropriate financial contribution and Council will undertake the further embellishment works at the appropriate time.

6. Delete Condition 49B and replace with new condition 49C as follows:

49C. Prior to issue of a Construction Certificate the applicant is to provide evidence to Council that Lot 229 can achieve a 20m Inner Protection Area while still accommodating a dual occupancy. Failure to satisfy this condition will result in Lot 229 not being a nominated dual occupancy allotment.

7. Delete Condition 105B and replace with new condition 105C as follows:
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- 105C. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Stage 1 (29 Residential Lots)

Water DSP2: 25.4 ET chargeable

Sewer Murwillumbah: 26 ET chargeable

Stage 2 (36 Residential Lots)

Water DSP2: 36 ET chargeable

Sewer Murwillumbah: 36 ET chargeable

Stage 3 (31 Residential Lots)

Water DSP2: 31 ET chargeable

Sewer Murwillumbah: 31 ET chargeable

Note all water and sewer charges have previously been paid to the value of 92.4 ET for water and 93 ET for sewer.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

8. Delete Condition 106B and replace with new condition 106C as follows:

106C. Section 94 Contributions

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Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges will remain fixed for the date of issue of this consent (DA05/.0308.17) and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1

a. Tweed Road Contribution Plan:

169 Trips chargeable

S94 Plan No. 4

Sector9\_4

Note 169 trips for TRCP has previously been paid.

b. Open Space (Structured):

26 ET @ \$653 \$16,978

S94 Plan No. 5

c. Street Trees:

26 Lot/s @ \$297 \$7,722.00

S94 Plan No. 6

d. Shirewide Library Facilities:

26 ET @ \$688 \$17,888

S94 Plan No. 11

e. Bus Shelters:

26 ET @ \$26 \$676

S94 Plan No. 12

f. Eviron Cemetery:

26 ET @ \$131 \$3,406



- S94 Plan No. 13
- g. Emergency Facilities (Surf Lifesaving):
  - 26 ET @ \$200 \$5,200
  - S94 Plan No. 16
- h. Extensions to Council Administration Offices  
& Technical Support Facilities
  - 26 ET @ \$1996.8 \$51,916.80
  - S94 Plan No. 18
- i. Cycleways:
  - 26 ET @ \$352 \$9,152
  - S94 Plan No. 22
- j. Regional Open Space (Casual)
  - 26 ET @ \$855 \$22,230
  - S94 Plan No. 26
- k. Regional Open Space (Structured):
  - 26 ET @ \$2327 \$60,502
  - S94 Plan No. 26

Stage 2

- a. Tweed Road Contribution Plan:
  - 234 Trips chargeable
  - S94 Plan No. 4
  - Sector9\_4
  - Note 234 trips for TRCP has previously been paid.
- b. Open Space (Structured):
  - 36 ET @ \$653 \$23,508
  - S94 Plan No. 5
- c. Street Trees:
  - 36 Lot/s @ \$297 \$10,692.00
  - S94 Plan No. 6
- d. Shirewide Library Facilities:
  - 36 ET @ \$688 \$24,768
  - S94 Plan No. 11
- e. Bus Shelters:
  - 36 ET @ \$26 \$936
  - S94 Plan No. 12

- f. Eviron Cemetery:
  - 36 ET @ \$131 \$4,716
  - S94 Plan No. 13
- g. Emergency Facilities (Surf Lifesaving):
  - 36 ET @ \$200 \$7,200
  - S94 Plan No. 16
- h. Extensions to Council Administration Offices  
& Technical Support Facilities
  - 36 ET @ \$1996.8 \$71,884.80
  - S94 Plan No. 18
- i. Cycleways:
  - 36 ET @ \$352 \$12,672
  - S94 Plan No. 22
- j. Regional Open Space (Casual)
  - 36 ET @ \$855 \$30,780
  - S94 Plan No. 26
- k. Regional Open Space (Structured):
  - 36 ET @ \$2327 \$83,772
  - S94 Plan No. 26

Stage 3

- a. Tweed Road Contribution Plan:
  - 201.5 Trips chargeable
  - S94 Plan No. 4
  - Sector9\_4
  - Note 201.5 trips for TRCP has previously been paid.
- b. Open Space (Structured):
  - 31 ET @ \$653 \$20,243
  - S94 Plan No. 5
- c. Street Trees:
  - 31 Lot/s @ \$297 \$9,207.00
  - S94 Plan No. 6
- d. Shirewide Library Facilities:
  - 31 ET @ \$688 \$21,328
  - S94 Plan No. 11
- e. Bus Shelters:

	31 ET @ \$26	\$806
	S94 Plan No. 12	
f.	Eviron Cemetery:	
	31 ET @ \$131	\$4,061
	S94 Plan No. 13	
g.	Emergency Facilities (Surf Lifesaving):	
	31 ET @ \$200	\$6,200
	S94 Plan No. 16	
h.	Extensions to Council Administration Offices & Technical Support Facilities	
	31 ET @ \$1996.8	\$61,900.80
	S94 Plan No. 18	
i.	Cycleways:	
	31 ET @ \$352	\$10,912
	S94 Plan No. 22	
j.	Regional Open Space (Casual)	
	31 ET @ \$855	\$26,505
	S94 Plan No. 26	
k.	Regional Open Space (Structured):	
	31 ET @ \$2327	\$72,137
	S94 Plan No. 26	

[PCC0215/PSC0175]

9. Delete Condition 108A and replace with new condition 108B as follows:

108B Pursuant to the provisions of S94 Plan No.5 proposed lot 132 shall be dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan.

Where a developer pays Council to complete the embellishment, Council will NOT install the equipment until a minimum of 30% of all lots in the development are occupied. Suitable embellishment shall be completed prior to the issue of a Subdivision Certificate.

10. Delete General Term of Approval 3A and replace with new General Term of Approval 3B as follows:

3B. Where achievable there shall be a minimum of 20 metres from future dwellings on Lots 225-232 to the reserve to the south west which shall be maintained as an Inner Protection Area (IPA) as outlined within Section 4.2.2(b) in Planning for Bushfire Protection

2001. If it is demonstrated that 20 metres is not achievable within the property boundaries, the RFS will consider the provision of a 15 metre IPA and a 1.8 metre high radiant heat shield. These lots shall not be duplex blocks unless the minimum 20 metres IPA can be provided. This is in recognition of the current management of the reserve and the limited extent of vegetation within the reserve.

B. Development Application DA05/0308.18 for an amendment to Development Consent DA05/0308 for a staged residential subdivision (3 stages) comprising 89 single dwelling lots, 7 duplex blocks, 1 drainage reserve, 1 residue lot & 2 public reserves at Lot 13 DP 793985; Lot B DP 368706; Lot 1 DP 392245, Barnby Street, Murwillumbah be approved subject to the following amendments to the existing conditions: -

1. Delete Condition 1C (as drafted fro DA05/0308.07) and replace with new Condition 1D as follows:

1D. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos: -

- Drawing 20399 (I) prepared by Brown & Haan Surveying dated 9.12.2008 – amended to reference the western end of Rous River Way as “TRCP link road – to be dedicated to Council as part of Stage 1”;  
This plan requires submission of amended engineering plans to address the necessary stormwater (IAD) modifications at the rear of Lots 227, 228 and 229.
- Knobel Consulting drawing series K1331 plans P019 Issue A (excluding Frangella park works), P020 Issue B, and P021 Issue A.

The plans for extended road batter works, cycleway, regrading and localised drainage improvements requires submission of amended engineering plans. The plans must clearly depict:

- (a) An undisturbed riparian buffer area beside Rous River. The riparian buffer width is to be commensurate with the approved ‘Vegetation Regeneration Plan’ by James Warren.
- (b) The cycleway should be designed to match a possible future residential reclassification of the road, and be reflective of ‘Water Sensitive Urban Design’ considerations.

The following referenced drawings show lot numbers that are not consistent with the above-mentioned plan, but are representative of actual dimensions, duplex lot locations, and physical works over the site:

- Drawing Number 7214/6/1 DA Figure 4 Revision E prepared

- by Cardno MBK and dated May 2006;
- Drawing Number 7214/06/1 DA Figure 10 Revision B prepared by Cardno MBK and dated August 2004;
- Drawing Number 7214/06 DA Figure 13 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 14 Revision A prepared by Cardno MBK and dated November 2003;
- Drawing Number 7214/06/01 DA Figure 17 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 18 Revision B prepared by Cardno MBK and dated August 2004;

except where varied by the conditions of this consent.

2. Insert new Condition 1E as follows:

- 1E. The existing temporary stockpile location must be immediately reinstated to its natural state upon removal of the excess fill. The area should be grassed to avoid erosion and sediment loss and dust nuisance.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout**  
**AGAINST VOTE - Cr K Milne**

**P4 [PR-PC] Development Application DA08/0475 for an attached dual occupancy at Lot 2 DP 1075086, No. 29 Vulcan Street Kingscliff**

**P 33**

**Cr D Holdom**  
**Cr W Polglase**

**RECOMMENDED** that:-

- A. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed, and
- B. Development Application DA08/0475 for an attached dual occupancy at Lot 2 DP 1075086, No. 29 Vulcan Street Kingscliff be approved subject to the following conditions: -

**GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos WD-03.01B to WD-03.04B

inclusive and WD- 05.01B prepared by Pat Twohill Designs Pty Ltd and dated 16/09/2008, except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
4. Outdoor security lighting shall be located and designed so as to avoid light spill into the living and sleeping areas of the subject development and to confine light spill to the source property.  
[GENNS05]

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee.  
Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

6. Section 94 Contributions  
Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan: 6.5 Trips @ \$838  S94 Plan No. 4  Sector6_4	\$5,447
(b) Open Space (Casual): 0.3088 ET @ \$570  S94 Plan No. 5	\$176
(c) Open Space (Structured): 0.562 ET @ \$653  S94 Plan No. 5	\$367
(d) Shirewide Library Facilities: 0.3082 ET @ \$688  S94 Plan No. 11	\$212
(e) Eviron Cemetery: 0.374 ET @ \$131  S94 Plan No. 13	\$49
(f) Community Facilities (Tweed Coast - North) 1 ET @ \$492  S94 Plan No. 15	\$492
(g) Emergency Facilities (Surf Lifesaving): 0.31 ET @ \$200  S94 Plan No. 16	\$62
(h) Extensions to Council Administration Offices & Technical Support Facilities  0.3076 ET @ \$1996.8  S94 Plan No. 18	\$614.22
(i) Cycleways: 0.3068 ET @ \$352  S94 Plan No. 22	\$108
(j) Regional Open Space (Casual) 0.3076 ET @ \$855  S94 Plan No. 26	\$263
(k) Regional Open Space (Structured): 0.3072 ET @ \$2327  S94 Plan No. 26	\$715

[PCC0215]

7. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP5:	1 ET @ \$10346.9	\$10,346.90
Sewer Kingscliff:	1 ET @ \$4972.1	\$4,972.10

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265]

8. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

9. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works within the road reserve.

[PCC0885]

10. The applicant shall demonstrate to the satisfaction of the General Manager or his delegate that the proposed cut and fill within the eastern and western side setbacks is consistent with the Tweed Development Control Plan Part B - Topography, Cut and Fill, and will not adversely affect the adjoining properties or developments to the site's east or west.

[PCCNS01]

11. A detailed landscape plan shall be prepared by a landscape architect or landscape consultant to a standard acceptable to the General Manager or delegate. The plan shall include the following documentation -.



- a) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of buildings indicating doors and windows and extent of carparking. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.
- b) Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.
- c) Easements on or adjacent to the site.
- d) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.
- e) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.
- f) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
- g) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
- h) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.
- i) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
- j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;
  - species listed by botanical and common names, with the majority of plants constituting local native species;
  - expected mature size of the species at the site, taking in to consideration site specific parameters;
  - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
  - maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

12. Prior to the issue of a Construction Certificate, the applicant shall prepare a front fence design which is consistent with the Tweed Development Control Plan.

[PCCNS04]

### **PRIOR TO COMMENCEMENT OF WORK**

13. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

14. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

15. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
    - (i) in the case of work for which a principal contractor is required to be appointed:

- \* in the name and licence number of the principal contractor, and
- \* the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - \* the name of the owner-builder, and
  - \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

16. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

17. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

18. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.
- In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the

importance of the erosion and sediment controls provided.  
This sign is to remain in position for the duration of the project.

- [PCW0985]
19. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.
- [PCW1065]
20. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.
- [DUR0645]
21. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.
- [DUR0675]
21. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- [DUR0425]
22. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.
- Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.
- Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.
- Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

## **DURING CONSTRUCTION**

23. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

25. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

26. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

27. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[DUR0415]

28. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

29. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

30. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a

Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

31. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2007. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au))
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

[DUR2075]

32. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

33. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

34. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

35. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

36. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

37. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

38. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

39. Should any items of cultural significance be discovered all site works shall cease immediately and the item/s be reported to the Department of Environment and Climate Change and Tweed Shire Council. Site works shall not recommence without prior written authorisation from Tweed Shire Council.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

40. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

41. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

42. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[POC0475]

43. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

### **USE**

44. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

45. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
  - (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
  - (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times. [USE1295]
46. The noise of an air conditioner, pump, or other mechanical equipment shall not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity of the item. [USENS01]
47. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [USENS02]
48. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [USENS03]

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**P5 [PR-PC] Development Application DA08/1118 for a Fruit and Vegetable Roadside Stall, Signage and Associated Carparking at Lot 11 DP 835413, No. 2 Boulder Close, Byangum**

The following persons addressed the meeting of the Planning Committee on this matter:

Mark Elliott  
Mr Trevor Ostrenga  
Mr Bob Sack  
Mr Karl Palmer  
Mr Mike Yarrow

**P 34**

**Cr P Youngblutt  
Cr B Longland**

**RECOMMENDED** that Development Application DA08/1118 for a fruit and vegetable roadside stall and signage at Lot 11 DP 835413, No. 2 Boulder Close, Byangum be approved subject to the following conditions: -

**GENERAL**



1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans-
  - Site plan and signage plan. Unauthored and dated 3/3/09.
  - Stall plan. Unauthored and dated 3/3/09, except where varied by the conditions of this consent.

[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
3. Provision for hand washing shall be provided to the satisfaction of the General Manager or his delegate.

GENNS01]
4. Only primary products produced on the property on which the building or place is situated are to be exposed or offered for sale by retail.
5. The total area of the roadside fruit and vegetable store is to be constructed to a maximum twenty (20) square metres.

[GENNS02]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

#### **PRIOR TO COMMENCEMENT OF WORK**

7. The erection of a building in accordance with a development consent must not be commenced until:
  - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
8. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
9. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

## **DURING CONSTRUCTION**

10. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 7.00pm
- No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work.
- [DUR0205]
11. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
- [DUR0245]
12. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).
- [DUR0375]

13. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.  
[DUR0405]
14. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.  
[DUR0995]
15. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
16. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.  
[DUR1025]
17. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.  
[DUR1395]
18. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.  
[DUR1415]
19. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned, to the satisfaction of the General manager or his delegate.  
[DUR1605]
20. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.  
[DUR1875]
21. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
-

22. Appropriate measures are to be put in place during the construction and/or demolition period to prevent the transport of sediment from the site. [DUR2205]
23. The stall is to be designed and constructed to withstand the likely flood impacts applicable to the site. [DUR2405]
24. Minimum 13 metre diameter cul-de-sac is required to be constructed within the site for a B99 (similar to a Ford Fairlane) vehicle to enter and exit the site in a forward direction.
25. Construction of a minimum of two car parking bays generally as shown on the proposal plan which are also to comply with AS 2890.1 Off Street Carparking.
26. The proposed sign is to incorporate a left pointing arrow and the word "ENTRY" to indicate the location of the proposed entry. [DURNS02]

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

27. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]
28. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer. [POC0615]
29. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations. [POC0625]
30. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like. [USE0125]
31. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. [USE0225]
32. No items or goods are to be stored or displayed outside the confines of the premises. [USE0445]
33. The building is not to be used for any habitable commercial or industrial purpose. [USE0455]
34. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act 2003* and Food Safety Standards. [USE0835]
35. The premises shall be maintained in a clean and tidy manner. [USE0965]
36. Fruit and vegetables shall be sold in a whole state and the stall shall not be utilised for the cutting or preparation of fruit and vegetables.
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[USENS01]

37. Foods shall be stored clear of the ground (minimum 500mm) and free from contaminants to the satisfaction of the General Manager or delegate.

[USENS02]

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout**  
**AGAINST VOTE - Cr K Milne**

**P6 [PR-PC] Development Application DA08/1012 for the Addition of Three (3) New Industrial Buildings to an Existing Industrial Development at Lot 229 DP 1122768, No. 90-92 Quarry Road South Murwillumbah**

**P 35**

**Cr W Polglase**  
**Cr P Youngblutt**

**RECOMMENDED** that Development Application DA08/1012 for the addition of three (3) new industrial buildings to an existing industrial development at Lot 229 DP 1122768, No. 90-92 Quarry Road South Murwillumbah be approved subject to the following conditions: -

#### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 3-6 and dated 11/02/09, except where varied by the conditions of this consent.  
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.  
[GEN0265]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.  
[PCC0065]
6. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan:  
24.15 Trips @ \$1559\$37,650  
S94 Plan No. 4  
Sector10\_4

[PCC0215]

- 7. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.  
Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP2:	0.805 ET @ \$10346.9	\$8,329.30
Sewer Murwillumbah:	0.805 ET @ \$4972.1	\$4,002.50

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

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[PCC0265]

8. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

9. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

10. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) All building materials used below Council's design flood level must not be susceptible to water damage.
- (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
- (c) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

11. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

[PCC1105]

12. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
  - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [PCC1155]
13. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.  
Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.
- [PCC1185]
14. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.
- [PCC1195]

#### **PRIOR TO COMMENCEMENT OF WORK**

15. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.
- [PCW0015]
16. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and



- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]*
17. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]*
18. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]*
19. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0255]*
20. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
- [PCW0665]*

21. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

22. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

23. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCW1075]

## **DURING CONSTRUCTION**

24. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

25. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

26. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

27. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

28. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).  
[DUR0375]
29. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.  
[DUR0395]
30. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.  
[DUR0405]
31. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.  
[DUR0415]
32. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.  
Please note timber retaining walls are not permitted.  
[DUR0835]
33. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.  
[DUR0985]
34. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
35. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.  
[DUR1025]
-

36. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1685]
37. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1705]
38. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR1795]
39. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
40. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed. [DUR1905]
41. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
42. All retaining walls in excess of 1metre in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCAprior to the issue of an Occupation/Subdivision Certificate. [DUR1955]
43. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]
44. Appropriate measures are to be put in place during the construction and/or demolition period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]

45. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
  - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) external drainage prior to backfilling.
  - (d) completion of work and prior to occupation of the building.

[DUR2485]

46. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

47. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

48. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

49. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- \* 50<sup>0</sup>C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

50. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

51. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

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52. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).  
[POC0205]
53. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils adopted Development Design and Construction Specifications.  
[POC0755]
54. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.  
[POC1045]
55. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.  
[USE0125]

## USE

56. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.  
[USE0145]
57. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.  
[USE0175]
58. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.  
[USE0225]

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout**  
**AGAINST VOTE - Cr K Milne**

**P7 [PR-PC] Development Application DA08/0831 for a Dwelling, Attached Garage & Swimming Pool at Lot 358 DP 1087716, No. 33 Cylinders Drive Kingscliff**

**P 36**

**Cr W Polglase  
Cr P Youngblutt**

**RECOMMENDED** that:

- A. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA08/0831 for a dwelling, attached garage & swimming pool at Lot 358 DP 1087716, No. 33 Cylinders Drive Kingscliff be approved subject to the following conditions: -

**GENERAL**

- 1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
- 3. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2. New construction of the western façade shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.
- 4. Screen-less door systems, including glazing and supporting framework shall be designed and constructed to withstand 19kW/m<sup>2</sup> of radiant heat flux to prevent the entry of embers into the building. Draught excluders, seals and door furniture shall be manufactured from materials having a flammability index no greater than 5 (with the exception of intumescent seals which are permissible) and ensure that there are no gaps >2.0mm in diameter when the door is closed.
- 5. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the building.
- 6. No brushwood (or the like) or treated pine timber fencing shall be used.

7. At the commencement of building works the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones*'.
8. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
9. To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and maintained at all times.

[GENNS01]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

10. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

11. Stormwater
  - (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
  - (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
  - (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
    - \* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
  - (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
  - (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
  - (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).



- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

12. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

### **PRIOR TO COMMENCEMENT OF WORK**

13. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

14. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

15. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:

- \* in the name and licence number of the principal contractor, and
- \* the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

16. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

17. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

18. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

## **DURING CONSTRUCTION**

19. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

20. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

21. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

22. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.  
[DUR0395]
23. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.  
[DUR0405]
24. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.  
[DUR0415]
25. The finished floor level of the building should finish not less than 225mm above finished ground level.  
[DUR0445]
26. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.  
Please note timber retaining walls are not permitted.  
[DUR0835]
27. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.  
[DUR0905]
28. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
29. All landscaping is to comply with the 88B Instrument pertaining to the site.  
[DUR1055]

30. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.  
[DUR1875]
31. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.  
[DUR1945]
32. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2007. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au))
  - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
  - (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
  - (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.  
[DUR2075]
33. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.  
[DUR2085]
34. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.  
[DUR2185]
35. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
  - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) external drainage prior to backfilling.
  - (d) completion of work and prior to occupation of the building.  
[DUR2485]
36. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.  
[DUR2495]
37. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.  
[DUR2515]
-

38. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

39. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

40. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

41. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

42. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.  
The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

43. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

**USE**

44. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise. [USE0175]
45. The building is to be used for single dwelling purposes only. [USE0505]
46. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements. [USE1245]
47. Swimming Pools (Building)
- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
  - (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
  - (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times. [USE1295]
48. The swimming pool is not to be used for commercial purposes without prior Development Consent. [USE1305]

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout**  
**AGAINST VOTE - Cr K Milne**

**P8 [PR-PC] Proposed Activity PTV08/0002 for a construction of a new sewerage scheme over the subject site and roads and land zoned as 2(d) Village in the Village of Mooball and Burringbar at Lot 1 DP 1054857 Pottsville Road, Mooball; Tweed Valley Way**

The following person addressed the meeting of the Planning Committee on this matter.

Dr Paul Malouf

**P 37**

**Cr P Youngblutt**  
**Cr B Longland**

**RECOMMENDED** that proposed activity PTV08/0002 for a construction of a new sewerage scheme over the subject site and roads and land zoned as 2(d) Village in the Village of Mooball and Burringbar at Lot 1 DP 1054857; Pottsville Road Mooball, Tweed Valley Way Mooball and Tweed Valley Way Burringbar be approved subject to the following conditions: -

1. The development shall be completed in accordance with the *Burringbar Mooball Sewerage Scheme Review of Environmental Factors* prepared by HLA Envirosiences Pty Limited dated 27 January 2005, except where varied by the conditions of this consent.

The following amendments to the Sewage Treatment Plant design and operation are required. Details of the amendments are to be submitted for the approval of the Director of Planning & Regulation prior to the commencement of works.

- Relocation of the discharge point to Burringbar Creek in accordance with the recommendation contained in the report prepared by Peter Parker Environmental Consultants Pty Ltd dated March 2009.
  - The deletion of the earth bund located adjacent to the proposed access road.
2. Prior to commencement of work, detailed design must be submitted and separate construction approvals must be obtained for the works proposed by this approval at Lot 1 DP 1054857, Pottsville Road, Mooball
  3. All infrastructure associated with the Sewage Treatment Plant on Lot 1 DP 1054857 is to be sited a minimum of 200 metres from the existing cattle dip yard (Cadens) to the satisfaction of the Director of Planning & Regulation.
  4. Soil testing in relation to the proposed sewerage pipelines or works involving excavation beyond 1 metre below ground level or within 200m of the existing cattle dip yard (Cadens) is to be undertaken to the satisfaction of the Director of Planning & Regulation.
  5. Environmental Management Plans are to be prepared for the construction and operational phases of the development. In this regard the Environmental Management Plans are to be prepared in accordance with the Review of Environmental Factors and are to detail the proposed mitigation measures, modelling and monitoring programs. The plans are to have regard for the Department of Water & Energy guidelines for controlled activities including in-stream works, laying pipes and cables in watercourses, outlet structures, riparian corridors, and vegetation management plans as relevant. The plans are to be submitted for the approval of the Director of Planning & Regulation prior to the commencement of works.



6. Prior to the commencement of construction a Landscaping Plan is to be submitted for the approval of the Director of Planning & Regulation. The plan is to incorporate mature native tree planting to screen the proposed Sewage Treatment Plant from Pottsville Road and surrounding residences. The landscaping works are to be carried out prior to the commencement of the operation of the Sewage Treatment Plant.
7. A Vegetation Management Plan is to be submitted for the approval of the Director of Planning & Regulation prior to the commencement of works. The plan is to include planting along the riparian zone to Burringbar Creek and rehabilitation including weed control undertaken by suitably qualified bush regenerators of disturbed areas.
8. The proposed chemical storage area is to be appropriately bunded. Detailed design to be submitted for the approval of the Director of Planning & Regulation prior to the commencement of works.
9. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 must be prepared by an RTA accredited person and must be submitted to the Director Planning and Regulation prior to the commencement of works. Safe public access shall be provided at all times.
10. Prior to the issue of Construction Approval the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Director Planning and Regulation for approval.

Four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

11. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste

Management Plan which shall be submitted to and approved by the Director Planning and Regulation PRIOR to the commencement of work.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

12. Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works" and in accordance with the recommendations contained in the Review of Environmental Factors.
  13. Non-structural (effluent and sludge storage ponds) and structural infrastructure shall be constructed so as to prevent groundwater inflows to those structures or discharges/infiltration to groundwater.
  14. Prior to the commencement of work involving excavation greater than 1m below current ground level, detailed site investigation shall be carried to determine whether acid sulfate soils are present on the site and whether groundwater will be intercepted as a result of the proposed redevelopment.
  15. Irrigation of effluent shall not occur without the prior written approval of Council.
  16. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.
  17. The proposal shall plan for a background noise level of 30 dB(A). Noise shall not exceed 35 dB(A) at the nearest receiver. Details demonstrating this is achieved are required to be submitted to Director Planning & Regulation prior to the commencement of the operation of the Sewage Treatment Plant.
  18. Odour from the Plant shall not be permitted to exceed the limits for sensitive receptors set by the NSW Department of Environment and Climate Change. The dispersion modeling detailed in the Odour Investigation for the Burringbar Mooball Sewage Treatment Plant report prepared by MWH dated 5 February 2009 is to be re-performed once the wastewater treatment processes have been fixed. Details are to be submitted to the satisfaction of the Director of Planning & Regulation prior to the commencement of the operation of the Sewage Treatment Plant. Should the modelling indicate that improvement is necessary, any recommendations of the report must be undertaken to the satisfaction of the Director Planning and Regulation.
  19. The Plant shall be operated in accordance with the license or operational requirements of the NSW Department of Environment and Climate Change
  20. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
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21. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
22. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

A permit under s198-202 of the *Fisheries Management Act* 1994 for dredge and reclamation activities be obtained prior to the commencement of the works unless works are approved under another appropriate government approval such as a licence from the Department of Lands.

23. Sections 219-220 of the *Fisheries Management Act* 1994 require appropriate fish passage to be provided when designing, modifying or constructing watercourse crossings. Consultation with DPI with respect to the provision of fish passage and any statutory approval is to be obtained prior to the commencement of work issue of a construction certificate.

## AMENDMENT

P 38

Cr J van Lieshout  
Cr K Milne

**PROPOSED** that this item be deferred to the next Council meeting to allow for a full workshop and a site visit by Council as well as consultation with the community.

The Amendment was **Lost**

**FOR VOTE - Cr D Holdom, Cr K Milne, Cr J van Lieshout**

**AGAINST VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr W Polglase**

The Motion was **Carried** (Minute No P37 refers)

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase**

**AGAINST VOTE - Cr K Milne, Cr J van Lieshout**

### **ADJOURNMENT OF MEETING**

The Planning Committee Meeting adjourned for the Community Access session at 5.45pm.

The Community Access session closed and the Meeting adjourned for dinner at 6.36pm.

### **RESUMPTION OF MEETING**

The Planning Committee Meeting resumed at 7.35pm.

## **P9 [PR-PC] Tweed Urban and Employment Land Release Strategy**

### **P 39**

**Cr W Polglase**

**Cr P Youngblutt**

**PROPOSED** that Council:

1. With regard to the Urban Land Release Strategy Component, seeks further advice from Council officers prior to resolving on a future direction Option under the Strategy.
2. With regard to the Employment Lands Strategy Component, seeks further advice from Council officers prior to resolving the final details of this Strategy.

The Motion was **Lost**

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase**

**AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout**

### **P 40**

**Cr D Holdom**

**Cr B Longland**

**RECOMMENDED** that Council:

1. Receives and notes the amendments to the Draft Tweed Shire Urban and Employment Land Release Strategies resulting from exhibition review of public submissions;

2. Adopts the final Tweed Urban and Employment Land Release Strategy 2009, as amended and provided as an attachment to this report;
3. Adopts Land Release Option 11.3 of Tweed Urban Land Release Strategy as the major direction for land release within Tweed Shire as an interim approach, until the findings of Council's Flood Study and related Risk Management Strategy have been reviewed and determined by Council;
4. Endorses that a copy of the Strategy be forwarded to Regional Director - Department of Planning for inclusion in the review of the upcoming Far North Coast Regional Strategy; and

The Motion was **Carried**

***FOR VOTE - Cr D Holdom, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout***

***AGAINST VOTE - Cr P Youngblutt, Cr W Polglase***

**P10 [EO-PC] Amendment to Section 94 Plan No. 1 - Banora Point West / Tweed Heads South**

**P 41**

**Cr D Holdom  
Cr K Skinner**

**RECOMMENDED** that:-

1. Council adopts Draft S94 Plan No 1 – Banora Point West/Tweed Heads South Version 10 as a basis for exhibition and community discussion/consultation.
2. Draft S94 Plan 1 - Banora Point West/Tweed Heads South Version 10 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 9.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**RESUMPTION**

**P 42**

**Cr W Polglase  
Cr P Youngblutt**

**RECOMMENDED** that the Planning Committee resumes in open Council under the Chairmanship of Cr J van Lieshout.

The Motion was **Carried**

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***FOR VOTE - Unanimous***

**ADOPTION OF PLANNING RECOMMENDATIONS BY COUNCIL**

**47**

**Cr W Polglase  
Cr D Holdom**

**RESOLVED** that the recommendations of the Planning Committee held Tuesday 17 March 2009 be adopted.

The Motion was **Carried**

***FOR VOTE - Unanimous***



**PLANNING COMMITTEE MEETING DATE: TUESDAY 17 MARCH 2009**

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